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HAMILTON CITY COUNCIL

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GOVERNMENT DOCUMENTS

COMMENTS AND RECOMMENDATIONS ON BILL 155

AN ACT TO ESTABLISH THE
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH.

June 19, 1973

The Council of the Corporation of the City of Hamilton having studied Bill 155 "An Act to Establish the Regional Municipality of Hamilton-Wentworth" hereby submits the following comments and recommendations for the consideration of the Honourable John White, Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and the Government of Ontario.

PART I

Bill Reference
3. - (3) (a)

That the City of Hamilton be permitted to retain its present Ward structure.

PART II

Bill Reference
7. - (3)

The prohibition against review should be stipulated to be only by a court. By-laws which require the approval of the Ontario Municipal Board or other government agencies would remain open to review.

Bill Reference
8. - (1) (b)

The representation from Hamilton on the Regional Council should consist of the Mayor, the Board of Control and thirteen members of Council from the City of Hamilton elected by Hamilton City Council.

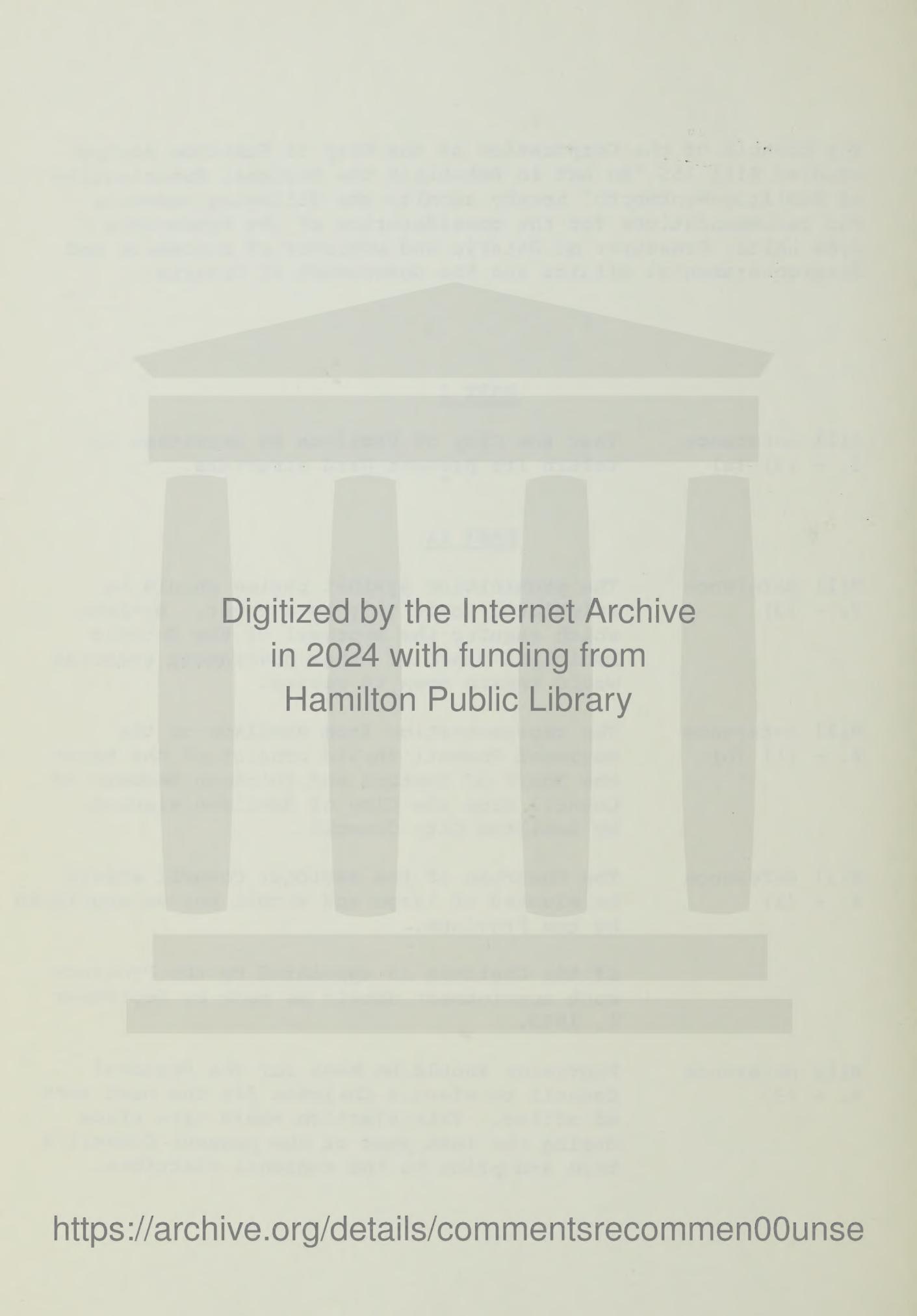
Bill Reference
9. - (1)

The Chairman of the Regional Council should be elected at large and should not be appointed by the Province.

If the Chairman is appointed by the Province such appointment should be made by September 1, 1973.

Bill Reference
9. - (3)

Provision should be made for the Regional Council to elect a Chairman for the next term of office. This election would take place during the last year of the present Council's term and prior to the regional elections.



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Bill Reference
13. - (5)

If a member of the Regional Council who has been elected by a local Council resigns, that member should not be required to resign from his local Council.

Bill Reference
17.- (2)

The Regional Council should be permitted to decide on whether to appoint a Chief Executive Officer or an Executive Committee.

Bill Reference
27. - (1)

Where an employee of one of the area municipalities seeks employment with the Regional Corporation, he may not continue with his present pension plan (Hamilton Municipal Retirement Fund for Hamilton), but must become a member of Ontario Municipal Employees' Retirement System. For an employee nearing 35 years of contributory service under HMRF, at which point he is entitled to retire on full pension, the proposed arrangement seems unfair.

Bill Reference
27. - (2)

Subsection 2 differs from subsection 1 where, if the Regional Corporation is required to employ that person, he retains his entitlement under HMRF. The provision should be changed so that any employee of an area municipality who is employed by the Regional Corporation shall maintain all the benefits of the HMRF if he so desires.

Bill Reference
27. - (3)

This does not apparently cover the person from an area municipality who voluntarily seeks employment with the Region. Further, there is no guarantee that the Region, in establishing its Sick Leave Plan, will provide for vesting of certain percentages of the sick leave upon resignation, termination or retirement.

Bill Reference
27. - (4)

This section seems to provide for prior service holiday benefits for only the first year of employment with the Regional Corporation.

All persons employed by municipalities within the Region should be permitted to retain all of their existing benefits if employed by the Region.

PART III

Bill Reference
28. - (d) & (e)

Minister means the Minister of Transportation and Communications and Ministry has a corresponding meaning. This is at variance with Section 1 (k) & (l) of the Act. It would seem that the meaning of Minister and Ministry in Section 1 should be modified accordingly.

Bill Reference
29. - (1)

In addition to all roads under the jurisdiction and control of the County of Wentworth and the Hamilton Suburban Roads Commission, all roads in local municipalities which are designated as connecting link roads under The Public Transportation and Highway Improvement Act should also be constituted the regional road system. Furthermore, the Bill should provide that the Regional Council shall forthwith establish criteria for the classification of a regional road and examine all existing roads in the region for the purpose of adding to the regional road system all roads which may be classified as a regional road pursuant to the established criteria. A study should be undertaken immediately to determine those roads in Hamilton which should be transferred to the Regional Corporation and the Minister should be required to make a grant to Hamilton City Council to defray the cost of this work.

Bill Reference
29. - (2) (5) (10)

There should be an Appeal Board to arbitrate disputes on these matters if such should arise.

Bill Reference
35. - (1)

Sidewalks are an integral part of the City of Hamilton road system. When the Region reconstructs regional roads and where there are sidewalks involved, such sidewalks should be reconstructed at no cost to the abutting owner.

Bill Reference
40. 41. 46. In order to overcome problems which exist in other regional areas, there should be a Board to which decisions by the Regional Council could be appealed.

Bill Reference
41. - (1) This sub-section should be amended to give the Regional Council power of approval of parking by-laws as they relate to bus transit routes established on streets other than Regional roads.

Bill Reference
41. - (4) We submit that 100 feet is inadequate for "No Stopping" regulations, placement of detectors for signal control devices, and access control in major intersections. The distance should be 200 feet.

Bill Reference
42. This section seems to apply to all roads while the intent of the section would appear to be to refer to roads under the jurisdiction of the Regional Council only. City Council seeks clarification on this section.

Bill Reference
43. 44. 45. Because of problems which have existed in the past, the boundary between Burlington and Hamilton should be clearly defined.

Bill Reference
47. - (6) This appears to be a very dangerous provision in this section which allows an appeal to the court. This allows an appeal from an order of the Board closing a road which is a policy decision and not a decision in law. The custom and practice in Ontario throughout has been not to give discretion in matters of policy to the courts but only discretion in matters of law. The right to appeal should apply only to the questions of costs and compensation and not to the question of the closing of the road.

Bill Reference
51. - (2) The Municipal Act provides for four weeks' notice of a municipality's intention to stop up a highway. This section gives the Regional Council sixty days' or approximately 8 1/2 weeks to file an objection. This period of sixty days should be reduced to four weeks.

PART IV

It appears to City Council that there will be no effect on Official Plans or Zoning By-laws approved prior to December 31, 1973, however, there will obviously be a slow down for any in progress, or for any new ones.

It would also appear that until a Regional Plan is available January 1, 1977, the Regional Council or Staff will review all Official Plans and Zoning By-laws.

The approval of subdivisions will also be further delayed with the required approval of the Regional Staff and Council.

Bill Reference
55. - (3)

Although the Planning Board will be dissolved on December 31, 1973, there appears, under this section the authority for the establishment of a Planning Committee. This aspect will have to be reviewed in more detail with the new local Council. The present work load of Neighbourhood Plans and the numerous meetings held by our present Planning Board, would be too time consuming for all of Council and a Committee may have to be established. Provision should be made to permit the appointment of citizens to the Planning Committee by the local Council.

Bill Reference
55. - (8)

City Council queries this subsection because certain of the Minister's powers under The Planning Act can be referred to by him in the case of a dispute to the Ontario Municipal Board. This subsection does not make it clear whether the right of referral to the Ontario Municipal Board is preserved.

Bill Reference
55. - (9) & (10)

Local Committees of Adjustment, as presently constituted, should be retained.

PART V

Bill Reference
58.

Inasmuch as the City of Hamilton owns the Hamilton Civic Hospitals, and not the Board of the Hamilton Civic Hospitals, clarification is required.

In addition, the City advanced to the Hospitals working funds. The question of the recouping of these is presently being investigated.

Bill Reference
59. - (2)

Where any of the assets are in the form of land owned by a local municipality, the fee in the land should continue to vest in the local or successor area municipality as the case may be and in the future event of the lands not being required by the Regional Board of Health, the area municipality should be free to use the lands for its own purposes or dispose of them as it deems proper in the interest of the municipality.

Bill Reference
62. - (2)

The same comment as made in respect of subsection (2) of section 59 applies to this subsection.

PART VI

City Council requests the Province not to regionalize police on January 1, 1974, but rather set a timetable to phase in a Regional Police Force and that regional grants be available during this phasing in period. It is also requested that in the meantime the Provincial Police continue to police those areas within the region to which they presently provide this service.

When the Province does appoint a Regional Board of Commissioners of Police that such Board be comprised of:

- three members of the Regional Council appointed by the Regional Council;

- one Judge of the Judicial District of Hamilton-Wentworth designated by the Lieutenant-Governor in Council;
- one citizen appointed by the Lieutenant-Governor in Council from a list of names supplied by the Regional Council.

Bill Reference
72. - (2)

City Council requests that fines imposed for the contravention of by-laws of any area municipality remain with the local municipality regardless of who undertakes the prosecution.

Bill Reference
73.

Present members of the Hamilton Police Force who chose to retain their existing benefits should be permitted to do so and should be exempted from the provisions of this section.

Bill Reference
73. - (3) (e)

City Council is of the opinion that this is a prerogative of management and requests that this subsection be deleted.

Bill Reference
73. (6) & (7)

City Council is of the opinion that this is a prerogative of management and requests that this subsection be deleted.

Bill Reference
74.

If there is joint use by the Police Force of a building presently owned by the City, the Regional Government should only have the right to continue to use that part of the building presently used by it and to pay an agreed rent and not any right to ownership.

The same comment as made in respect to subsection (2) of section 59 also applies to this section.

PART VII

The same comment as made in respect of sub-section 2 of section 59 also applies to this part.

PART VIII

City Council recommends that all sewers, both storm and sanitary, be made a regional responsibility.

The Region should be given easements only and not ownership of land required for sewers.

Bill Reference
77. - (3)

The same comment as made in respect of sub-section 2 of section 59 also applies to this sub-section.

PART IX

Bill Reference
80. - (5)

This sub-section deals with the payment by the City to the Region of an amount equal to the net total of the County's Operating Surplus or Deficit and Reserves. The County should be required to return to -- if a net surplus, or charge -- if a net deficit, each present constituent municipality. There is no logical reason why the Region should get such unjustified windfalls.

Bill Reference
81. - (14)

This sub-section provides that the area municipalities shall pay to the Regional Corporation the Regional levy against them "at the times and in the amounts specified by the by-law of the Regional Council". If the Region should demand such payments before taxes are collected by the area municipalities, then added costs will have to be met by the area municipalities. Consultation by the Province with the area municipalities should be undertaken immediately and agreed-upon dates for these payments should be established in the Act.

Bill Reference
83. - (1)

In 1974 the Region, before adopting estimates for 1974 may levy 25% of the 1973 levy against the area municipalities - no date given. In 1975 (and subsequent years) the Region may levy 50% of the previous years levy - no date given. This should be agreed upon by the area municipalities and the Region and incorporated in the Act.

Bill Reference
89. - (2)

City Council requests that the words "all or" be added after the word "forms" in the sixth line.

Bill Reference
109.

This section provides for the tendering for the sale of debentures by the Region. This section should be amplified to allow the Region to create a fiscal agency, who, at an agreed price, may buy the Region's debentures.

Bill Reference
114.

This section, in the opinion of City Council, is unnecessarily prohibited. The City would be prohibited from selling any lands, industrial or otherwise, any trade-ins of equipment, or any other assets not necessary to the proper operation of the city. This section should be modified so that assets not necessary to the operation of the City or the Region could be sold, leased or otherwise disposed of regardless of their value.

PART X

Bill Reference
115.

City Council requests that this section be amended to add a section giving the Regional Corporation authority to establish and operate off-street parking on lands contiguous to Regional roads and off-street parking lots in area municipalities. In addition, it should be clarified that the Regional Council can also establish parking meters on Regional roads.

Whereas the Airport is an important element in the total transportation function serving a region, there is no mention of authority of the Regional Council to operate the Airport.

Operating costs of this Airport function is a Regional charge rather than a local area charge. It is therefore recommended that an amendment to section 115 be made to give the Regional Council authority to operate the Airport and auxiliary functions.

Bill Reference
115. - (9)

City Council objects to this section unless payment for public transportation system (possibly by arbitration) is made to the City by the Regional Government.

The same comment as made in respect to subsection (2) of section 9 also applies to this section.

Bill Reference
117. - (2)

This subsection, by reference to the Municipal Act, prohibits the City from purchasing, selling or leasing industrial lands. In view of the City's present programme of acquiring the Mountain Industrial lands, it is requested that this matter be thoroughly discussed by the Province with the City.

Bill Reference
122.

The Regional Corporation should be required to obtain prior consent of the area municipality, except in cases of emergency, before entering any highway of any area municipality for the purposes referred to in this section. Without proper co-ordination between the Regional Corporation and the area municipalities in respect of work carried out on their respective highways, situations could arise where traffic could be brought to a standstill or the general public be made to detour long

distances out of their way. It is not sufficient to leave such an important subject to be negotiated between the Regional Corporation and the area municipalities after the new region is incorporated; the act of incorporation should be explicit.

Bill Reference
125.

The procedure outlined in this section is unseemly and in the event that a sheriff is unable to collect a judgment registered against the Regional Corporation then the statute should provide that the municipality be brought under provisions similar to part 3 of the old Department of Municipal Affairs Act. Without more if a judgment on a very large debenture for immediate payment were obtained against a municipality this would produce a tax rate which would be beyond the power of the average taxpayer to meet. City Council requests that this section be deleted and some provision for some form of trusteeship by the Municipal Board or by the Minister be substituted.

Bill Reference
130.

The Regional Corporation should also have the right to lease.

Bill Reference
131.

In regard to land used for Sanitary Land Fill, City Council sees no reason why this should be turned over to the Regional Council. Arrangements should be made for leasing the land and when fully filled, improved and the lease cancelled.

There should also be legislation to cover other situations that, where land is not used for the purpose it is obtained for by the Regional Council, it should revert back to the area municipality.

Bill Reference
131. - (3)

The same comment as made in respect to subsection (2) of section 9 also applies to this section.

Bill Reference
133.

Under the two tier system the regional fire coordinator should have jurisdiction over the areas which apply to Fire Prevention, Fire Training and Fire Communications if he is to prepare and take charge of Emergency Plan.

Bill Reference
137.

City Council wants to be assured that existing park lands in the City of Hamilton remain under Hamilton City Council.



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